

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Roanoke Division**

**RUTH ANN VEACH**

**Plaintiff,**

**v.**

**Civil Action No. 7:16cv00518**

**MARY MOODY NORTHEN, INC.**

**and**

**MARY MOODY NORTHEN ENDOWMENT**

**and**

**MOUNTAIN LAKE LLC**

**Defendants.**

**NOTICE OF REMOVAL**

Defendants, Mary Moody Northen, Inc, Mary Moody Northen Endowment and Mountain LLC, by and through counsel, hereby give notice of removal of the above action from the Circuit Court of Giles County ("Circuit Court"), to the United States District Court for the Western District of Virginia pursuant to 28 U.S.C. §§ 1332(a)&(c), 1441 and 1446. As set forth below, this Court has original diversity jurisdiction over this action pursuant to Section 28 U.S.C. § 1332. All requirements for removal of this action are met through the allegations contained in the pleadings filed in the Circuit Court and in this Notice of Removal.

In support of this Notice of Removal, Mary Moody Northen, Inc, Mary Moody Northen Endowment and Mountain LLC, state as follows:

1. There is pending in the Circuit Court of Giles County a Complaint styled *Ruth Ann Veach v. Mary Moody Northen, Inc. and Mary Moody Northen Endowment and Mountain Lake LLC*, Case No. CL16-350 (the "State Court Action").

2. The Complaint in the State Court Action was filed on or about September 19, 2016. A copy of the Complaint is attached hereto as *Exhibit A*.

3. A copy of the Complaint in the State Court Action was served upon Defendants on October 20, 2016.

4. This Notice of Removal is filed within thirty days of the date upon which the Defendants were first served a copy of the Complaint and is therefore timely pursuant to 28 U.S.C. § 1446(b).

5. The State Court Action is properly removed under 28 U.S.C. § 1441(a), because the State Court Action is subject to the original jurisdiction of this Court pursuant to 28 U.S.C. § 1332, as explained below.

6. Ruth Ann Veach, Plaintiff, is a Tennessee resident, according to the Complaint.

7. At the time the Complaint was filed, the Defendant Mary Moody Northen, Inc. was no longer in existence. Rather, it was renamed The Mary Moody Northen Endowment, which was an active corporation with its principal place of business in Galveston, Texas at the time of filing of the Complaint. At the time of this request for removal, The Mary Moody Northen Endowment remains a Texas corporation.

8. At the time the Complaint was filed, the Defendant, Mountain Lake, LLC was a Virginia corporation with its principal place of business in Pembroke, VA. At the time of this request for removal, the Defendant, Mountain Lake, LLC remains a Virginia corporation.

9. Plaintiff's Complaint seeks compensatory damages of \$500,000.

10. This action is, therefore, properly removed on grounds of diversity jurisdiction because (a) complete diversity of citizenship exists between Plaintiff and the Defendants; and (b)

the amount in controversy herein exceeds the sum or value of \$75,000, exclusive of interest and costs.

11. Written notice of the filing of this Notice of Removal will be promptly provided to Plaintiff and the Clerk of the Circuit Court of Giles County, as required by 28 U.S.C. § 1446(d).

12. A trial by jury pursuant to Federal Rule of Civil Procedure 38 is demanded.

WHEREFORE, Defendants, Mary Moody Northen, Inc., Mary Moody Northen Endowment and Mountain Lake, LLC respectfully request that this case proceed before this Court as an action properly removed.

**MARY MOODY NORTHEN, INC.  
MARY MOODY NORTHEN ENDOWMENT  
MOUNTAIN LAKE LLC**

**s/ Stephanie G. Cook**  
Virginia Bar Number: 48187  
Attorney for Defendant  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 4, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Timothy E. Kirtner, Esquire  
Gilmer, Sadler, Ingram, Sutherland & Hutton  
Post Office Box 878  
Pulaski, Virginia 24301

**s/ Stephanie G. Cook**  
Virginia Bar Number: 48187  
Attorney for the Defendant

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